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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,065	03/23/2006	Eric Jonsen	US030362US	6992
28159	7590	12/12/2007	EXAMINER	
PHILIPS MEDICAL SYSTEMS PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3003 22100 BOTHELL EVERETT HIGHWAY BOTHELL, WA 98041-3003				BEHRINGER, LUTHER G
ART UNIT		PAPER NUMBER		
4148				
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		12/12/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,065	JONSEN, ERIC	
	Examiner	Art Unit	
	Luther G. Behringer	4148	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3/23/2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) 5,7,9 and 17 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/2006</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claim(s) 5, 7, 9 and 17 are objected to because of the following informalities:
Reference numbers appropriate for a PCT application were not crossed out.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim(s) 1 – 3, 5 – 7, 9, 12 – 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Olson et al. (US 6,101,413)**.

Regarding **claim(s) 1, 5, 6, and 16**, Olson et al. discloses a method for identifying an electrode type in an automatic external defibrillator comprising the steps of: providing a shaped conductive label, *conductive connector*, on an automatic external defibrillator electrode package that uniquely identifies a type of electrode contained therein; and coupling one or more pins to the shaped conductive label when the automatic external defibrillator electrode package is coupled to the defibrillator (Column 9, Lines 19 – 26 and Figures 1 – 7 and 11).

Regarding **claim(s) 2, 13 and 19**, Olson et al. discloses the step of: sensing a shape of the shaped conductive label with the one or more pins to ascertain the type of electrode contained therein (Figures 9 – 11).

Regarding **claim(s) 3, 9, 14 and 20**, Olson et al. discloses the step of: selecting an operating mode for the automatic external defibrillator based on the shape of the shaped conductive label (Column 9, Lines 49 – 51).

Regarding **claim 7**, Olson et al. discloses an electrode cartridge receptacle to accept each of the one or more electrode cartridges, said electrode cartridge receptacle including one or more sensing pins to couple in a unique pattern to the one or more shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle (Figure 1 and 11).

Regarding **claim 12**, Olson et al. discloses wherein each of the one or more shaped conductive labels comprises a unique shape (Column 9, Lines 23 – 26).

Regarding **claim(s) 15 and 17**, Olson et al. discloses wherein each of the automatic external defibrillator electrode cartridges includes two contacts for electrically connecting patient electrodes to the automatic external defibrillator and the automatic external defibrillator electrode cartridge receptacle includes two contacts for electrically connecting the automatic external defibrillator to the two contacts on each of the automatic external defibrillator electrode cartridges, and said two contacts on the automatic external defibrillator electrode cartridge receptacle are different than said one or more sensing pins (Figure 1 and 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim(s) 4, 8, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Olson et al. (US 6,101,413)** in view of **Verness et al. (US 6,018,683)**.

Regarding **claim(s) 4 and 8**, Olson et al.'s invention fails to disclose wherein said sensing step further comprises redundantly sensing two or more portions of said shape of the shaped conductive label with two or more pins to ascertain the type of electrode contained therein.

However, Verness et al. teaches wherein said sensing step further comprises redundantly sensing two or more portions of said shape of the shaped conductive label with two or more pins to ascertain the type of electrode contained therein (Column 3, Lines 32 – 35).

7. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the disclosure of Olson et al. with the teachings of Verness et al. thereby increasing the reliability of the conductive connection between the connector and the pins and the subsequent selection by the automatic emergency defibrillator of the appropriate amplitude of electrical stimulation to apply.

Regarding **claim(s) 10 and 18**, Olson et al.'s invention fails to disclose wherein each of the one or more sensing pins comprises a spring-loaded pin to maintain said each sensing pin in electrical contact with the one or mode shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle.

However, Verness et al. teaches wherein each of the one or more sensing pins comprises a spring-loaded pin to maintain said each sensing pin in electrical contact with the one or mode shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle (Column 9, Lines 58 – 67).

8. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the disclosure of Olson et al. with the teachings of Verness et al. thereby increasing the reliability of the conductive connection between the connector and the pins by maintaining a constant pressure on the conductive label.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Olson et al. (US 6,101,413)** in view of **Wheeler (US 5,989,053)**.

Regarding **claim 11**, Olson et al.'s invention fails to disclose wherein each of the one or more shaped conductive labels comprises a gold-plated metal.

However, Wheeler teaches wherein each of the one or more shaped conductive labels comprises a gold-plated metal (Column 1, Lines 35 – 37).

10. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the disclosure of Olson et al. with the teachings of Wheeler as it is well known in the art that a clean, un-corroded, electrical connection, that can be achieved by plating a metal with gold, produces a more reliable and efficient electronic circuit.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention: **Olson et al. (US 6,101,413), Verness et al. (US 6,018,683), Wheeler (US 5,989,053), Jayne et al. (US 6,990,373), Burton, David Lynn (US 6,084,380), Covey et al. (US 2004/0162586), Herleikson, Earl Clark (US 6,560,485), Dupelle, Michael R. (US 6,961,611), Picardo et al. (US 7,016,726)**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luther G. Behringer whose telephone number is (571) 270-3868. The examiner can normally be reached on Mon - Thur 7:30 - 5; 2nd Friday 7:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571) 272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luther Behringer
November 28, 2007

/Terrell L Mckinnon/
Supervisory Patent Examiner, Art Unit 4148